

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:)	
CHARLES ANDREW HOFFKINS and)	Case No. 15-30114-svk
SUZANNA MARIE HOFFKINS,)	Chapter 13
)	
Debtors.)	

NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

Charles Andrew Hoffkins and Suzanna Marie Hoffkins have filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Anton B. Nickolai
Nickolai & Poletti, LLC
308 Milwaukee Avenue
Burlington, WI 53105

If you or your attorney does not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the Plan.

Drafted by:
Anton B. Nickolai
State Bar No. 1060676
Nickolai & Poletti, LLC
308 Milwaukee Avenue
Burlington, WI 53105
(262) 757-8444; Fax (262) 287-9725
anton@nickolailaw.com

REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:
 - A. X the Debtor;
 - B. the Chapter 13 Trustee (post-confirmation modifications only);
 - C. the holder of an unsecured claim (post-confirmation only).
2. This is a request to modify a Chapter 13 Plan (Select A. or B.):
 - A. post-confirmation;
 - B. X pre-confirmation (Select i. or ii.);
 - i. X Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (LBR 3015(b)); or
 - ii. Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (LBR 3015(b)). The creditors affected are:
3. The Proponent wishes to modify the Chapter 13 Plan to do the following: alter the plan's terms as to the debtors' mortgage.
4. The reason for the modification is: the debtors wish to modify their plan.
5. Select A. or B.
 - A. The Chapter 13 Plan confirmed or last modified on is modified as follows:
 - B. X The unconfirmed Chapter 13 Plan dated December 7, 2015, is modified as follows:
 - (a) **While the debtors' application for a mortgage modification was denied within the mediation program, the debtors are currently appealing that decision directly with the mortgage servicer.**
 - (b) **The debtors anticipate that the appeal process will take at least thirty (30) to forty-five (45) days to complete.**
 - (c) **Accordingly, the debtors will have until August 19, 2016, to amend their plan to provide for post-mediation treatment of the claim of their mortgage servicer, Ocwen, to allow for the completion of the pending appeal.**

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. **BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.**

CERTIFICATION

I, Anton B. Nickolai, attorney for debtors, Charles Andrew Hoffkins and Suzanna Marie Hoffkins, certify that I have reviewed the modification proposed above with the debtors, and that the debtors have authorized me to file it with the court.

/s/ Anton B. Nickolai

Counsel for the debtors

June 20, 2016

Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated: June 20, 2016

Nickolai & Poletti, LLC
Attorneys for Debtors

/s/ Anton B. Nickolai

By: Anton B. Nickolai
State Bar No. 1060676